

THE PUNJAB FIRE PREVENTION AND FIRE SAFETY ACT 2004

An Act to make more effective provision for the fire prevention and fire safety measures in buildings and premises in the Punjab State

1. Short title, extent and commencement:

- (a) This Act may be called the Punjab Fire Prevention and Fire Safety Act 2004.
- (b) It extends to the whole State of the Punjab

2. Definitions: In this Act unless the context otherwise requires: -

- (a) “Building” means a house, outhouse stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material;
- (b) “Building Rules” means the Punjab Capital (Development and Regulation) Building Rules 1952 or any other rules made in exercise of the powers conferred under section 22 of the Capital of Punjab (Development and Regulation) Act, 1952 (Punjab Act No. 27 of 1952);
- (c) Assistant Fire Officer means the Assistant Fire Officer (Headquarter), Punjab appointed by the State Government of Punjab
- (d) Director means the Director Local Government Punjab appointed by the Government of Punjab.
- (e) “Fire prevention and fire safety measures” means such measures as are necessary in accordance with the building rules for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire as per the National Building Code of India part IV amended from time to time.
- (f) Governor means the Governor of Punjab appointed by the President of India.
- (g) “Nominated authority” means an officer in charge of Fire Brigade not below the rank of a Fire Station Officer nominated

by the Assistant Fire Officer Punjab for the purposes of this Act;

(h) "Occupier" includes:-

- Any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;
- An owner in occupation of, or otherwise using his land or building;
- A rent-free tenant of any land or building; and
- A licensee in occupation of any land or building; and
- Any person who is liable to pay to the owner damages for the use and occupation of any land or building.

(i) "Owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver or any other person or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant and also includes the Director of Estate of Govt. of India, the Chief Administrator, Punjab Urban Development Authority, Executive Engineer, and Architect, Punjab Government in respect of properties under their respective control.

(j) Principal Secretary means the Principal Secretary Local Self Government of Punjab appointed by the Government of Punjab.

(k) Punjab means the whole State of Punjab.

(l) "Premises" means any land or any building or part of a building appurtenant thereto which is used for storing explosives, explosive substances and dangerously inflammable substances.

Explanation : In this clause, "explosive" explosive substances and dangerously inflammable substances shall have the meanings, respectively, assigned to them in the Explosive Act, 1884, the Explosive substances Act, 1908 and the inflammable substance Act, 1952.

3. Inspection of buildings, premises etc. (i) The nominated authority may, after giving three hours notice to the occupier or if there be no occupier, to the owner of any building or premises, enter and inspect the said building or premises at any time between sunrise and sunset where such inspection appears necessary for ascertaining the adequacy or contravention of fire prevention and fire safety measures.

Provided that the nominated authority may enter into and inspect any building or premises at any time if it appears to it to be expedient and necessary to do so in order to ensure safety of life and property.

(ii) The nominated authority shall be provided with all possible assistance by the owner or occupier, as the case may be, of the building or premises for carrying out the inspection under sub-section (1).

(iii) When any building premises used as a human dwelling is entered under sub section (1), due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to the custom does not appear in public, is entered under sub-section (1) notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

4. Measures for fire prevention and fire safety (i) The nominated authority shall after the completion of the inspection of the building or premises under section 3 record its views on the deviation from or the contraventions of the building rules with regard to the fire prevention and fire safety measures and the inadequacy of such measures provided therein with reference to the height of the building or the nature of activity carried on in such building or premises and issue a notice to the owner or occupier of such building or premises directing him to undertake such measures as may be specified in the notice.

(ii) The nominated authority shall also give a report of any inspection made by it under section 3 to the Assistant Fire Officer Punjab.

5. POWER TO SEAL BUILDINGS OR PREMISES : (i) WHERE, ON RECEIPT OF A REPORT FROM THE NOMINATED AUTHORITY UNDER SUB-SECTION II) OF SECTION 4, IT APPEARS TO THE ASSISTANT FIRE OFFICER PUNJAB THAT THE CONDITION OF ANY BUILDING OR PREMISES IS DANGEROUS TO LIFE OR PROPERTY, HE SHALL, WITHOUT PREJUDICE TO ANY ACTION TAKEN UNDER SECTION 7, BY ORDER, REQUIRE THE PERSONS IN POSSESSION OR OCCUPATION OF SUCH BUILDING OR PREMISES TO REMOVE THEMSELVES FROM SUCH

(ii) If an order made by the Nominated Authority under sub-section (i) is not complied with, the Nominated Authority may direct any police officer having jurisdiction in the area to remove such persons from the building or premises and such officer shall comply with such directions.

(iii) After the removal of the persons under sub-section (1) or sub-section (ii) as the case may be, the Nominated Authority shall seal the building or premises

(iv) No person shall remove such seal except under an order made by the nominated authority.

6. Provision regarding certain buildings and premises (i)

Notwithstanding any thing contained in any other law for the time being in force, the Nominated Authority may enter and inspect any building, the construction of which was completed on or before the extension of the Punjab Fire Prevention and Safety Act 2004 or any building which was under construction on such date, if such inspection appears necessary for ascertaining the adequacy of fire prevention and fire safety measures in such building.

(ii) The entry and inspection under sub-section (1) shall be done by the Nominated Authority in the manner laid down in Section 3.

(iii) The Nominated Authority shall, after inspection of the building or premises under sub-section (i) and after taking into consideration :-

(a) the provisions of the buildings rules in accordance with which the plan of the said building or premises was sanctioned ;

(b) The conditions imposed, if any, by the Nominated Authority at the time of the sanction of the plan of the said building or premises; and

(c) the minimum standards for the prevention and fire safety measures specified for such building or premises as may be specified by rules framed under this Act, issue a notice to the owner or occupier of such building or premises stating therein the inadequacy in regard to the fire prevention and fire safety measures in it and direct the owner or occupier to undertake measures for rectifying the said inadequacy within such period as he may consider just and reasonable.

7. DEFAULT POWERS OF THE NOMINATED AUTHORITY: (i) THE ASSISTANT FIRE OFFICER PUNJAB SHALL, IN THE EVENT OF NON

COMPLIANCE OF ANY NOTICE ISSUE UNDER SECTION 4 OR SECTION 6, TAKE SUCH STEPS AS MAY BE NECESSARY FOR THE COMPLIANCE OF SUCH NOTICE.

(ii) All expenses incurred by the Assistant Fire Officer/Nominated Authority in relation to any steps taken by him under sub-section (i) shall be payable by the owner or occupier on demand and shall, if not paid within ten days after such demand, be recoverable as arrears of land revenue.

8. Appeals (i) Any person aggrieved by any notice or order of the nominated authority or the Assistant Fire Officer Punjab may prefer an appeal against such notice or order to the Director Local Government Punjab Chandigarh within thirty days from the date of the notice or order appealed against;

Provided that the Director Local Govt. Punjab may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

(ii) An appeal shall lie to the Principal Secretary Local Government Punjab against the order of the Director Local Govt. Punjab, confirming, modifying or annulling a notice or an order issued or made under this Act within thirty days from the date of the order of the Director Local Govt. Punjab, Chandigarh .

Provided that the Principal Secretary Local Government, Punjab may entertain an appeal after the expiry of the said period of thirty days if he is satisfied that there was sufficient cause for not filing it within that period.

(iii) An appeal to the Director Local Govt. Punjab, shall be made in such form and shall be accompanied by a copy of the notice or order appealed against and by such fees as may be specified by rules framed under this Act.

9. Bar of Jurisdiction of Courts: No Court shall entertain any suit, application or other proceeding in respect of any notice or order under this Act and no such notice or order under this Act shall be called in question otherwise than by preferring an appeal under this Act.

10. PENALTIES: WHOEVER CONTRAVENES ANY PROVISION OF THIS ACT SHALL, WITHOUT PREJUDICE TO ANY OTHER ACTION TAKEN AGAINST HIM UNDER SECTION 7, BE PUNISHABLE WITH IMPRISONMENT FOR A TERM WHICH MAY EXTEND TO SIX MONTHS, OR WITH FINE WHICH MAY EXTEND TO FIFTY

THOUSAND RUPEES. OR WITH BOTH AND WHERE THE OFFENCE IS A CONTINUING ONE WITH A FURTHER FINE WHICH MAY EXTEND OF THREE THOUSAND RUPEES FOR EVERY DAY AFTER THE FIRST DURING WHICH SUCH OFFENCE CONTINUES.

11. Offences by Companies (i) Where an offence under this Act has been committed by a company, every person who, at the time of the offence was committed, was in charge of and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished according ;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(ii) Notwithstanding any thing contained in sub-section (i), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such Director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purposes of this Section :-

(a) “Company” means a body corporate and includes a form or other association of individuals; and

(b) “Director” in relation to that of a firm, means a partner in the firm.

12. Sanction of Prosecution : No court shall proceed to the trial of an offence under this Act, except on the complaint of or upon information received from the nominated authority.

13. Jurisdiction : No Court inferior to a Magistrate of the first Class shall try an offence punishable under this Act.

14. Protection of action taken in good faith : No suit prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rules made thereunder.

15. Officer to be public servant : Every officer acting under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

16. Power to make rules : (i) The Principal Secretary to Government of Punjab Department of Local Government Punjab may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.

(ii) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for :

- (a) The height of the building under sub-section (i) of Section 3.
 - (b) The minimum standards for fire prevention and fire safety measures for the purposes of clause (c) of sub-section (iii) of section 6.
 - (c) The form in which an appeal shall be made and the fees that shall accompany such appeal under sub-section (iii) of section 8.
 - (d) Any other matter which is required to be, or may be, provided by rules.
- (3) The Punjab Government can make any modification or annulment at any time under this Act.